

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Jeffrey L. Lezark**  
**Laurie A. Lezark**  
Debtor(s)

Bankruptcy Case No.: 19-22324-CMB  
Issued Per July 22, 2019 Proceeding  
Chapter: 13  
Docket No.: 21 - 6  
Concil. Conf.: December 19, 2019 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 10, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Dec. 19, 2019 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☐ H. Additional Terms:

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: July 25, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Jeffrey L. Lezark  
 Laurie A. Lezark  
 Debtors

Case No. 19-22324-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 38

Date Rcvd: Jul 25, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2019.

db/jdb 15070314	+Jeffrey L. Lezark, Laurie A. Lezark, 381 Pennsylvania Avenue, Oakmont, PA 15139-1533 ACS PRIMARY CARE PHYSICIANS SOUTHEAST, WAKEFIELD AND ASSOCIATES, PO BOX 50250, KNOXVILLE, TN 37950-0250
15067039	++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238 (address filed with court: Bank of America, PO Box 982234, El Paso, TX 79998-2234)
15067044	CitiMortgage Inc., PO Box 6243, Sioux Falls, SD 57117-6243
15067045	+Coll Svc Ctr, POB 560, New Kensington, PA 15068-0560
15067048	Discover Student Loans, PO Box 30947, Salt Lake City, UT 84130-0947
15067051	Fin Sys of Richmond Inc., PO Box 786, Richmond, IN 47375-0786
15067053	IC System, 444 Highway 96 East, PO Box 64378, Saint Paul, MN 55164-0378
15067054	+JPMCB Card Services, P.O. Box 15298, Wilmington, DE 19850-5298
15082299	+JPMorgan Chase Bank, N.A., s/b/m/t Chase Bank USA, N.A., c/o Robertson, Anschutz & Schneid, P.L., 6409 Congress Avenue, Suite 100, Boca Raton, FL 33487-2853
15067055	+KML Law Group, P.C., BNY Mellon Independence Center, Suite 5000, 701 Market Street, Philadelphia, PA 19106-1541
15088650	+M&T BANK, P.O. BOX 1508, BUFFALO, NY 14240-1508
15067057	+Metropolitan Life Insurance Company, 4425 Ponce de Leon Blvd., Coral Gables, FL 33146-1837
15067065	+Tristate Orthopaedics & Sports Medicine, 5900 Corporate Drive, Suite 200, Pittsburgh, PA 15237-7005
15067066	Wells Fargo Bank N.A., PO Box 522, Des Moines, IA 50306-0522

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr	+E-mail/Text: kb Burkley@bernsteinlaw.com Jul 26 2019 03:14:41 Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 26 2019 03:24:42 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15067038	+E-mail/Text: ally@ebn.phinsolutions.com Jul 26 2019 03:13:38 Ally Financial, PO Box 380901, Bloomington, MN 55438-0901
15067037	E-mail/Text: ally@ebn.phinsolutions.com Jul 26 2019 03:13:38 Ally Financial, PO Box 380903, Bloomington, MN 55438-0903
15067041	+E-mail/Text: bkmailbayview@bayviewloanservicing.com Jul 26 2019 03:14:28 Bayview Loan Servicing, 4425 Ponce De Leon, 5th Floor, Miami, FL 33146-1837
15067043	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 26 2019 03:24:41 Capital One, P.O. Box 30281, Salt Lake City, UT 84130-0281
15067042	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 26 2019 03:24:04 Capital One, P.O. Box 30285, Salt Lake City, UT 84130-0285
15087178	E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jul 26 2019 03:24:04 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15067046	E-mail/Text: mrdiscen@discover.com Jul 26 2019 03:13:38 Discover, PO Box 30421, Salt Lake City, UT 84130-0421
15071379	E-mail/Text: mrdiscen@discover.com Jul 26 2019 03:13:38 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
15067047	+E-mail/Text: mrdiscen@discover.com Jul 26 2019 03:13:38 Discover Fin Svcs LLC, P.O. Box 15316, Wilmington, DE 19850-5316
15085513	+E-mail/Text: DSLBKYP@discover.com Jul 26 2019 03:14:27 Discover Student Loans, PO Box 30925, Salt Lake City, UT 84130-0925
15067049	+E-mail/Text: DSLBKYP@discover.com Jul 26 2019 03:14:27 Discover Student Loans, PO Box 30948, Salt Lake City, UT 84130-0948
15067050	+E-mail/Text: bankruptcynotification@wecontrolpain.com Jul 26 2019 03:14:26 EMSI, 3504 Cragmont Drive, Suite 100, Tampa, FL 33619-8300
15067056	E-mail/Text: camanagement@mtb.com Jul 26 2019 03:13:47 M&T Bank, PO Box 900, Millsboro, DE 19966
15067058	E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:23:59 Synchrony Bank, Attn: Bankruptcy Dept., P.O. Box 965060, Orlando, FL 32896-5060
15067059	E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:24:38 Synchrony Bank, Attn: Bankruptcy Dept., PO Box 965061, Orlando, FL 32896-5061
15067979	+E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:24:36 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
15067061	+E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:23:59 Synchrony Bank/JCPenney, PO Box 965007, Orlando, FL 32896-5007
15067060	+E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:24:36 Synchrony Bank/JCPenney, PO Box 965008, Orlando, FL 32896-5008
15067062	E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:23:24 Synchrony Bank/Lowes, PO Box 965003, Orlando, FL 32896-5003
15067063	E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:23:59 Synchrony Bank/Sam's Club, PO Box 965003, Orlando, FL 32896-5003
15067064	E-mail/PDF: gecsed@recoverycorp.com Jul 26 2019 03:24:36 Synchrony Bank/Wal-mart, P.O. Box 965022, Orlando, FL 32896-5022

TOTAL: 23

District/off: 0315-2

User: jhel  
Form ID: 149

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Total Noticed: 38

Date Rcvd: Jul 25, 2019

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Bayview Loan Servicing, LLC, a Delaware Limited Li  
15067040\* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238  
(address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)  
15067052 ##+Grover Sukhdev MD, 4815 Liberty Avenue, Pittsburgh, PA 15224-2156

TOTALS: 1, \* 1, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner  
shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social  
Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required  
by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 27, 2019

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on July 25, 2019 at the address(es) listed below:

Eugene D. Frank on behalf of Joint Debtor Laurie A. Lezark efrank.esq@comcast.net  
Eugene D. Frank on behalf of Debtor Jeffrey L. Lezark efrank.esq@comcast.net  
James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC, a Delaware Limited  
Liability Company bkgroup@kmlawgroup.com  
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,  
jbluemle@bernsteinlaw.com  
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6